

REMARKS/ARGUMENTS

Claims 1-10 and 12-15 are pending. Claims 1-10 and 12-15 stand rejected. Claims 1 and 2 are amended.

CLAIM REJECTIONS - 35 USC § 103(a)

Claims 1-3, 5-7, 9-10 and 12-15 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,446,049 ("Janning") in view of U.S. Patent Application Publication No, 2002/0111768 ("Ghorayeb").

Claim 4 stands rejected under 35 USC §103(a) as being unpatentable over Janning in view of Ghorayeb and in further view of U.S. Patent No. 6,343,241 ("Kohut").

Claim 8 stands rejected under 35 USC §103(a) as being unpatentable over Janning in view of Ghorayeb and in further view of U.S. Patent No. 6,157,871 ("Terranova").

Claim 2 of the application states:

A system for conducting cashless business transactions, comprising:

a plurality of dispensers, each dispenser being associated with at least one antenna and

at least one vehicle presence detector, said at least one vehicle presence detector performing detection of a stationary vehicle, wherein the stationary vehicle is detected by (i) automatically setting a timer, (ii) detecting the vehicle while said timer is running, (ii) determining whether the timer has been exceeded when the vehicle is detected, and (iv) if the timer has been exceeded, determining that the vehicle is stationary;

a controller receiving a detection notification from a first vehicle presence detector,

the first vehicle presence detector being associated with a first dispenser, the controller activating a first antenna in response to the notification;

a tag interrogator connected to the at least one antenna and transmitting an interrogation signal to a tag through the first antenna

and receiving information from the tag after the first antenna is activated; and

a point of sale device receiving the information from the tag interrogator and activating the first dispenser.

The Examiner asserts that Janning discloses “a vehicle presence detector performing a detection of a vehicle.” Janning does not disclose a vehicle presence detector. Janning discusses a fuel dispenser transceiver on a fuel pump that periodically checks for proximity of a receptacle transceiver on a fuel tank filler cap. The function of the fuel dispenser transceiver is not to detect vehicle presence, but to detect that the fuel dispenser has been inserted in a fuel tank equipped with a transceiver for an automatic transaction. Col. 8, lines 1-20. Janning is not concerned with detecting vehicle presence, the transaction in Janning begins when a customer removes the fuel pump handle from the pump. Col. 8, lines 1-5.

The examiner admits that Janning does not disclose “at least one vehicle presence detector performing detection of a stationary vehicle, wherein the stationary vehicle is detected by (i) setting a timer, (ii) detecting the vehicle, (iii) determining whether the timer has been exceeded when the vehicle is detected, and (iv) if the timer has been exceeded, determining that the vehicle is stationary.” The Examiner cites Ghorayeb to remedy this deficiency.

First, Ghorayeb does not detect a vehicle while a timer is already running. In Ghorayeb, the vehicle is detected and a timer does not start running until the vehicle operator activates a timing meter device. The timer is not automatically started, but is started by the vehicle operator. ¶[0041]. Claims 1 and 2 state: “(i) automatically setting a timer, [and] (ii) detecting the vehicle while said timer is running.” Ghorayeb does not disclose or suggest this sequence. Moreover, the timer in Ghorayeb is not automatically started, but is started by the vehicle

operator.

Second, Ghorayeb is not directed to detecting arrival of a stationary vehicle but to detecting when a vehicle, that is already stationary and detected, has left, in order to determine the amount of time parked. If the vehicle has not left when the timer times out, the meter time is exceeded and the meter indicates a violation. ¶[0041].

Ghorayeb does not disclose “if the timer has been exceeded, determining that the vehicle is stationary.” Ghorayeb does not use time as a factor in determining presence of a stationary vehicle. The presence detector in Ghorayeb acts instantaneously: “the motion or proximity detector detects the vehicle that arrives at the particular parking location next to the timing meter device and produces a signal to the display to light up the preferably red light.” ¶[0041]. In Ghorayeb, the instant that a vehicle is detected, it is determined to be at the meter and no further determination is made regarding presence. ¶[0041]. Ghorayeb does not use a timer to determine a vehicle is stationary. The timer in Ghorayeb is used so that when the time set is exceeded, “the display is directed to light up the preferably red light, indicating that the vehicle is no longer legally parked at that location.” *Id.* This does not disclose or suggest that “if the timer has been exceeded, determining that the vehicle is stationary,” since the vehicle that has been detected in Ghorayeb is presumed to be stationary the instant that it is detected.

One skilled in the art would not have been motivated to use the sequence in Ghorayeb to perform the invention of Claims 1 or 2 because Ghorayeb teaches that instantaneous detection is sufficient to determine a vehicle is stationary, whereas Claims 1 and 2 state that only if the timer has been exceeded, determining that the vehicle is stationary.

In addition to the fact that Ghorayeb does not disclose the vehicle detection sequence

claimed in the application, the Examiner has not demonstrated a motivation to combine the vehicle detector in Ghorayeb with the fuel pump in Janning. Janning does not disclose or suggest the need to detect a stationary vehicle, because the transaction in Janning begins when the customer removes the fuel dispenser from its retainer. Col. 8 lines 1-5. Therefore there would be no need to combine the vehicle detector of Ghorayeb with Janning because there is no use for such a detector in Janning. For the foregoing reasons, the applicant respectfully traverses the rejection of Claims 1 and 2 and requests withdrawal of the rejection.

Claims 3-10 and 12-15 depend from Claims 1 or 2 and are therefore allowable for at least the reasons stated above with respect to Claims 1 and 2.

Conclusion

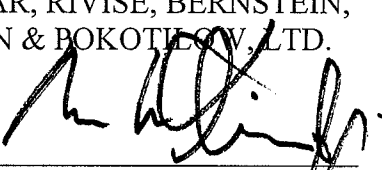
In view of the foregoing remarks, the applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including Claims 1-10 and 12-15 is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for initial examination and allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTNIK, LTD.

By



Nicholas M. Tinari, Jr.
Registration No. 58,200

May 23, 2008

Application Serial No. 09/740,808
Attorney Docket No. T1142/20023

Customer No. 03000
(215) 567-2010
Attorneys for Applicants

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.